

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA;  
and STATE OF MONTANA,  
*ex rel.* MAX BAUER, JR. And ERIC  
BAUER,

Plaintiffs/Relators,

vs.

ALLIED WASTE SERVICES OF  
NORTH AMERICA, d/b/a  
REPUBLIC SERVICES OF  
MONTANA,

Defendant.

CV 23-29-M-KLD

ORDER

Relators Max Bauer, Jr. and Eric Bauer have filed an unopposed motion for leave to file a Third Amended Complaint. (Doc. 25). The motion requests (1) that Relators be granted leave to file their Third Amended Complaint, (2) that Defendant's pending motion to dismiss (Doc. 20) be dismissed as moot without prejudice as to filing a motion to dismiss Relators' Third Amended Complaint, and (3) that Defendant's response to the Third Amended Complaint be due 28 days after the Third Amended Complaint is filed.

Fed. R. Civ. P. 15(a)(2) provides that a party may amend its pleading "with the opposing party's written consent or the court's leave." Here, Defendant has consented to Relators' request to file their Third Amended Complaint. Accordingly, and good cause appearing,

IT IS ORDERED that the instant motion is GRANTED. Relators may file their Third Amended Complaint.

IT IS FURTHER ORDERED that Defendant's pending motion to dismiss (Doc. 20) is DENIED AS MOOT, without prejudice as to filing a motion to dismiss Relators' Third Amended Complaint.

IT IS FURTHER ORDERED that Defendant's response to Relators' Third Amended Complaint is due 28 days after the filing of the Third Amended Complaint.

DATED this 19th day of February, 2025.



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Kathleen L. DeSoto  
United States Magistrate Judge